

FILE COPY

STATE OF WISCONSIN
BEFORE THE DENTISTRY EXAMINING BOARD

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

RICHARD L. BREHM, D.D.S.,
RESPONDENT.

FINAL DECISION AND ORDER

89 DEN 027

The parties to this action for the purposes of Wis. Stats. sec. 227.53 are:

Richard L. Brehm
38 East Grand Avenue
Chippewa Falls, WI 54729

Wisconsin Dentistry Examining Board
P.O. Box 8935
Madison, WI 53708-8935

Department of Regulation and Licensing
Division of Enforcement
P.O. Box 8935
Madison, WI 53708-8935

The parties in this matter agree to the terms and conditions of the attached Stipulation as the final decision in this matter, subject to the approval of the Board. The Board has reviewed this Stipulation and considers it acceptable.

Accordingly, the Board in this matter adopts the attached Stipulation and makes the following:

FINDINGS OF FACT

1. Richard L. Brehm, 38 East Grand Avenue, Chippewa Falls, Wisconsin 54729, is and was at all times relevant to the events set forth herein a dentist licensed to practice in the State of Wisconsin pursuant to license #1256, granted on June 12, 1973.

2. Brehm by stipulation withdrew and waived his right to file a formal answer to the original and amended Complaint and consented to the entry of this Final Decision and Order. By doing so, he concedes only that he participated in a study sponsored by 3M Corporation, Medical-Surgical Division in December 1988, to evaluate the effectiveness of electro-wave therapy, and that he administered electro-wave therapy to a few of his patients as a part of his dental practice for the treatment of conditions that were not located in the human oral cavity or its adjacent tissues and structures. Brehm states that he has voluntarily ceased the practice of providing electro-wave therapy to his dental patients for the treatment of conditions unrelated to the human oral cavity or its adjacent tissues and structures.

3. Brehm agrees that in the future he will practice dentistry within the scope of Sec. 447.01(8), Wis. Stats. and limit his treatment to conditions located in the human oral cavity or its adjacent tissues and structures.

4. Brehm voluntarily agrees to disciplinary education and payment of the costs of the Department of Regulation and Licensing proceedings in this matter.

CONCLUSIONS OF LAW

1. The Wisconsin Dentistry Examining Board has jurisdiction to act in this matter pursuant to secs. 15.08(5) and 447.07(3), Wis. Stats.

2. The Wisconsin Dentistry Examining Board is authorized to enter into the attached Stipulation pursuant to sec. 227.44(5), Wis. Stats.

3. Respondent Richard L. Brehm is subject to disciplinary action pursuant to sec. DE 5.02(3), Wis. Adm. Code, by practicing or attempting to practice beyond the scope of his license or certificate which may have harmed or could have harmed a patient.

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED, that the attached Stipulation is accepted.

IT IS FURTHER ORDERED, that consistent with his agreement Respondent Richard L. Brehm (#1256) will perform the following within six (6) months of the date this Final Decision and Order is entered:

1. Submit proof to the Board that he has successfully completed a course of education and training of at least twenty (20) hours in diagnosis and treatment related to TENS type electro stimulation in the practice of dentistry. The Course outline must be pre-approved by the Board no later than four (4) months from the date this Final Decision and Order is entered. None of the education completed pursuant to this requirement may be used to satisfy any continuing education requirements that are or may be instituted by the Board.

2. Reimburse \$1,000.00 in costs relating to the Department of Regulation and Licensing's investigation and prosecution of file #89 DEN 027.

IT IS FURTHER ORDERED, that investigative file #89 DEN 027 be closed.

Dated this 2 day of September, 1992.

WISCONSIN DENTISTRY EXAMINING BOARD

BY: Thomas G Brando DS

RRH:lmf
ATY-2121

STATE OF WISCONSIN
BEFORE THE DENTISTRY EXAMINING BOARD

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RICHARD L. BREHM, D.D.S.,
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STIPULATION

89 DEN 027

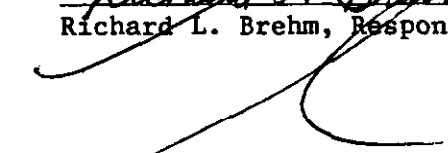
It is hereby stipulated between Richard L. Brehm, D.D.S., personally and by his attorney, Thomas K. Guelzow, and Roger R. Hall, attorney for Complainant as follows:

1. Richard L. Brehm, 38 East Grand Avenue, Chippewa Falls, Wisconsin 54729 is currently licensed as a Dentist in the State of Wisconsin, license #1256, said license having been granted on June 12, 1973.
2. Allegations by original Complaint and amended pleadings against Richard L. Brehm are pending before the Dentistry Examining Board, to which Brehm has filed an Answer and amended Answers, respectively.
3. With respect to all pending allegations, Brehm hereby withdraws and waives his right to file his Answer to the original and amended Complaint and agrees to the entry of the proposed Final Decision and Order, copies of which are attached hereto and incorporated herein. The proposed Final Decision and Order shall be entered pursuant to the authority of Wis. Adm. Code sec. RL 2.14 based solely upon the allegations of the complaint and as conceded by Brehm in the Final Decision and Order and without the presentation of additional evidence. Brehm shall be responsible for the costs and expenses relative to these proceedings.
4. If any term or condition of this Stipulation is not accepted by the Dentistry Examining Board, then no term of this Stipulation shall be binding in any manner on any party.

Dated: 7/13/92


Richard L. Brehm, Respondent

Dated: 7/27/92


Thomas K. Guelzow
Attorney for Respondent

Dated: 7/29/92


Roger R. Hall, Attorney for Complainant

NOTICE OF APPEAL INFORMATION

**(Notice of Rights for Rehearing or Judicial Review,
the times allowed for each, and the identification
of the party to be named as respondent)**

The following notice is served on you as part of the final decision:

1. Rehearing.

Any person aggrieved by this order may petition for a rehearing within 20 days of the service of this decision, as provided in section 227.49 of the Wisconsin Statutes, a copy of which is attached. The 20 day period commences the day after personal service or mailing of this decision. (The date of mailing of this decision is shown below.) The petition for rehearing should be filed with

the State of Wisconsin Dentistry Examining Board.

A petition for rehearing is not a prerequisite for appeal directly to circuit court through a petition for judicial review.

2. Judicial Review.

Any person aggrieved by this decision has a right to petition for judicial review of this decision as provided in section 227.53 of the Wisconsin Statutes, a copy of which is attached. The petition should be filed in circuit court and served upon

the State of Wisconsin Dentistry Examining Board,

within 30 days of service of this decision if there has been no petition for rehearing, or within 30 days of service of the order finally disposing of the petition for rehearing, or within 30 days after the final disposition by operation of law of any petition for rehearing.

The 30 day period commences the day after personal service or mailing of the decision or order, or the day after the final disposition by operation of the law of any petition for rehearing. (The date of mailing of this decision is shown below.) A petition for judicial review should be served upon, and name as the respondent, the following: the State of Wisconsin Dentistry Examining Board.

The date of mailing of this decision is September 8, 1992.